AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Index #:   **1:22-CV-05222-DG-TAM**
Date Filed: **September 14, 2022**
Court Date: _____
Assigned Justice: _____

ATTORNEY(S):   PH:
     ADDRESS: File No.: 4113527

OLIVERIO OLIVOS ORTEGA,

Plaintiff

vs.

EL EMPERADOR ELIAS RESTURANT AND ELIAS CESPEDES,

Defendant

STATE OF New York   , COUNTY OF   SUFFOLK   SS.:
     WALBER LIRIANO   , being duly sworn deposes and says: Deponent is not a party herein, is over 18 years
of age and resides in New York. On   **Friday, September 23, 2022**   at   **7:54 PM** .

at   **274 BROADWAY, BROOKLYN, NY 11211**   deponent served the within

SUMMONS IN A CIVIL ACTION AND COMPLAINT

on: **EMPERADOR ELIAS RESTAURANT**

Defendant therein named.

#1 CORPORATION By delivering to and leaving with **Elias Cespedes , Owner** and that deponent knew the person so served to be the authorized agent
☒   of the corporation, and said person stated that he/she was authorized to accept service on behalf of the corporation.

A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:

#2 DESCRIPTION   Sex: __Male__   Color of skin: __White__   Color of hair: __Black/Gray__   Age: __50-55__   Height: __5ft4in-5ft8in__
☒   Weight: __Over 200 lbs__   Other Features: _____
(use with #1, 2 or 3)

#3 WIT. FEES $ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.
☐

#4 OTHER
☐

Sworn to before me on 09/27/2022

SUSAN CORTINA
Notary Public, State of New York
No. 01CO6047509, Qualified in Suffolk County
Term Expires September 5, 2026

Walber Liriano
WALBER LIRIANO
Server's Lic # 2105938
InvoiceWorkOrder 2280236

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT
for the

Eastern District of New York

Oliverio Olivos Ortega	)	
	)	
	)	
	)	
	)	
Plaintiff(s)	)	
v.	)	Civil Action No. 22-cv-05222
	)	
Elias Cespedes and	)	
	)	
Emperador Elias Restaurant	)	
	)	
Defendant(s)	)	

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*   Emperador Elias Restaurant
274 Broadway,
Brooklyn, NY 11211

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

> Daniel Schlade
> Justicia Laboral LLC
> 6232 N. Pulaski, #300
> Chicago, IL 60646

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

BRENNA B. MAHONEY
CLERK OF COURT

Date: 09/14/2022

s/ Aaron I. Herrera

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 22-cv-05222

PROOF OF SERVICE
(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* EMPERADOR ELIAS RESTAURANT

was received by me on *(date)* 9-16-2022 .

❑ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

❑ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____ , a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

☑ I served the summons on *(name of individual)* ELIAS CESPEDES , who is
designated by law to accept service of process on behalf of *(name of organization)*
EMPERADOR ELIAS RESTAURANT on *(date)* 9-23-2022 ; or

❑ I returned the summons unexecuted because _____ ; or

❑ Other *(specify):*

My fees are $ _____ for travel and $ _____ for services, for a total of $ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

_____ Walber Liriano
Server's signature

_____ WALBER LIRIANO, Process Server
Printed name and title

172 Brook Ave., Deer Park NY 11729
Server's address

Additional information regarding attempted service, etc: